

Attorney Docket: 009554-0308963
Client Reference: Dkt. 4-CON-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

MILLER ET AL.

Application No.: 10/806,223

Filed: March 23, 2004

Title: COUNTERFLOW INSECT TRAP

Confirmation Number: 1747

Group Art Unit: 3643

Examiner: K. ROWAN

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

October 11, 2006

REQUEST FOR RESCHEDULING OF HEARING APPEAL NO. 2006-2761

Mail Stop Board of Patent Appeals
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned respectfully requests that the oral argument for the appeal in the above-captioned application, Appeal No. 2006-2761, be re-scheduled. Currently, the oral argument is scheduled for Tuesday, November 14, 2006 at 1PM.

I am unable to attend that hearing because I will be away on a family vacation that was planned a few months ago. The vacation has already been paid for, the flights and accommodations are not refundable, and my wife has already locked in her vacation time for that period. Additionally, other members of my wife's family will be with us, and we have scheduled activities that have already been paid for. Thus, I cannot change my own vacation without affecting their schedules, as well.

The oral argument cannot be delegated to someone else within my firm. The associate that had originally prepared the briefs and assisted me with the prosecution is no longer with the firm. I am the only attorney ^{intimately} familiar with the prosecution of the application. Additionally, this application is extremely important to my client, and I am the lead attorney that the client expects to argue the appeal.

For purposes of assisting the Board in re-scheduling the oral argument, I have a two week trial in federal court scheduled for January 25, 2007, and expect to be out of town the week of December 25th with family for the holidays. Otherwise, I am generally available any

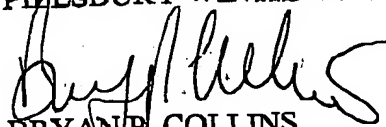
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Attorney Docker: 009554-0308963

time starting with the week after the current hearing date, or any time in the weeks before the current hearing date.

For these reasons, it is respectfully requested that the oral hearing be rescheduled. If there are any questions or concerns, the Board is free to contact the undersigned at the below listed telephone number.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



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Date: **October 11, 2006** Must Be Sent By:
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081069-0271077

Comments:

Mr. Williams,

Per our telephone conversation of October 10, 2006, attached are two Requests for Rescheduling of Hearing. One is for Appeal No. 2006-2744 and the other is for Appeal No. 2006-2761.

Your attention to this is greatly appreciated.

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Sincerely,

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